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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,321	12/10/1999	Yong Ho Son	533/040	8721

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/30/2001

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/458,321

Applicant(s)  
Yong Ho Son et al

Examiner  
Vivek Srivastava

Art Unit  
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 22, 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-29 is/are allowed.
- 6) ☒ Claim(s) 10-13, 17, 18, and 20 is/are rejected.
- 7) ☒ Claim(s) 14-16, 19, 21, and 22 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barraud (6,088,051) in view of Cohen et al (6,011,918).

Considering claim 10, Barraud discloses adapting programs for dynamic processes (meeting the "asset" limitation see col 3 lines 1 - 9) in a video-on-demand distribution system (col 5 lines 1 - 7), comprising the steps of determining for each STT requesting a session of a video content in the VOD system, a capability level of the STT (col 2 line 59 - col 3 line 8, requested programming is sent after capability is determined), selecting, from a plurality of available video content and assets stored on service provider equipment, video content and assets appropriate to the capability level of the STT (col 2 line 59 - col 3 line 28), providing selected video content and assets in response to STT communications indicative of a need for video content and assets (col 2

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line 59 - col 3 line 28). Barraud fails to disclose the claimed determining the capability level of the distribution network.

Cohen teaches a client requesting applications from a server, wherein the client provides its terminal capabilities and the network capabilities including network speed (col 16 lines 25 - 38). It would have been obvious determining the network capabilities in Barraud would have prevented overloading the network with data and also delaying the STT from receiving transmitted data in situations where the network speed is slow. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barraud to include determining the network capabilities to prevent overflowing the network with data resulting the delays at the receiver end in situations where the network speed is slow.

Considering claim 11, Barraud discloses video processing capability (see "screen driver" in the form of teletext overlay in col 3 lines 10 - 20).

Considering claim 12, Barraud inherently discloses asset database wherein each of the stored assets are associated with a least one capability level since assets are selected in accordance to a capability level of a STT (col 3 lines 1 - 28).

Considering claim 13, Barraud inherently discloses selecting from the database an asset having associated with it the capability level of the STT requiring the asset since the programs for dynamic processes are assembled and provided in accordance with STT capabilities (col 3 lines 1 - 9).

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3. Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barraud (6,088,051) in view of LaJoie et al (6,049,333).

Considering claim 17, Barraud discloses an interactive VOD system (col 5 lines 1 - 7) coupled to subscriber equipment via a communications network (col 6 lines 1 - 15), and adapting information for dynamic processes (meeting the “providing information” limitation see col 3 lines 1 - 9). Barraud also inherently stores “video-on-demand” information at the provider equipment since VOD is provided from the service provider (col 3 lines 1 - 8). Barraud discloses when initiating a session with a server, performance capabilities are sent to the server (col 2 lines 59 - 67, col 3 lines 1 - 55) in a VOD system (col 3 lines 1 - 8) inherently storing video on demand movies at a server location (meeting the determining a capability level of a STT during a VOD session), wherein the server apparatus assembles programs for dynamic processes suited to the present set top unit (col 3 lines 5 - 10) thus meeting the “comparing STT configuration information to a database of STT capability information” since the STT capabilities must inherently be compared to stored capabilities to provide appropriate programs for dynamic processing. Barraud discloses, information adapted to the determined capability level of the STT (col 3 lines 5 - 29) in response to a request to access a server and discloses each of the STT having a common video information processing architecture and a plurality of control architectures (col 3 lines 11 - 47, all STT have in common some kind of video and control processing capability). Barraud fails to disclose the claimed STT having a common plurality of graphics architectures.

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LaJoie teaches a settop terminal preferably includes graphics processing capabilities that allow the settop terminal to combine video content with digital data that is formatted for display on the viewer's television. It would have been obvious including graphics architectures in the STT of Barraud would have provided a user with data accompanying video content thus providing a user with additional information which would enhance the viewing experience. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barraud to include a settop with graphical architectures to enhance a users viewing experience.

Considering claim 18, Barraud discloses wherein the provided information is optimized in real time to each of the possible STT capability levels (col 2 line 59 - col 3 line 20, information is optimized before transferring to STT).

Considering claim 20, Barraud inherently discloses selecting from the database an asset having associated with it the capability level of the STT requiring the asset since the programs for dynamic processes are assembled and provided in accordance with STT capabilities (col 3 lines 1 - 9).

*Allowable Subject Matter*

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4. Claims 14, 15, 16, 19, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 23 - 29 are allowed.

#### *Response to Arguments*

6. Applicant's arguments with respect to claims 10 - 29 have been considered but are moot in view of the new ground(s) of rejection.

However, after careful review of Applicant's arguments, the two key arguments relied upon by Applicant's, a video-on-demand distribution system and the distributed processing applications are moot since Barraud discloses a video-on-demand system and does not distribute processing applications as alleged by the Applicant's in the Cohen reference..

#### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Legall et al - searching a television guide via the Internet

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

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(703) 308- 5399 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The  
examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

9/6/01



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600